

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:	Pulnev et al.	Application No.:	10/648,775
Patent No.:	7,160,323 B2	Filing Date	August 25, 2003
Issue Date:	January 9, 2007	Docket:	792-82 PCT/US/ CON III
Title:	METHOD FOR RECONSTRUCTING BODY LUMENS	Dated:	September 22, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Certificate of EFS-Web Transmission
I hereby certify that this correspondence is being transmitted
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Dated September 22, 2010

Attention: Certificate of Corrections Branch

Signature: John S. Sopko /John S. Sopko/

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120**

Sir:

Patentee hereby submits a Petition To Accept An Unintentionally Delayed Claim Under 35 U.S.C. § 120 ("Petition") for U.S. Patent No. 7,160,323 B2 (" '323 Patent") pursuant to 37 C.F.R § 1.78. Patentee requests that the Patent Office accept this Petition with respect to the U.S. priority claims to U.S. Application Nos. 09/458,141 and 08/860,462. A Request For Certificate Of Correction for the '323 Patent is concurrently filed herewith.

U.S. Application No. 10/648,775 (" '775 Application") was filed on August 25, 2003. see Filing Receipt, copy attached as Exhibit A. Thus, an amendment of the specification to contain a Section 120 reference to each of the U.S. parent applications was due under paragraph (a)(2) of 37 C.F.R. § 1.78 no later than Dec. 25, 2003, four months after the filing date of the '775

Inventors: Pulnev et al.
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Application. The priority claims to U.S. Application Nos. 09/458,141 and 08/860,462 required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2) were made in the application that resulted in the '323 Patent at least as early as May 10, 2004. On that date, the Patent Office received the Supplemental Preliminary Amendment, copy attached as Exhibit B, amending the specification to refer to U.S. Application Nos. 09/458,141 (" '141 Application") and 08/860,462 (" '462 Application"). The '775 Application is a continuation of U.S. Application No. 10/057,261, which is a continuation of the '141 Application, which is a continuation of the '462 Application. The entire delay from Dec. 25, 2003 through May 10, 2004 in amending the specification of the '775 Application was unintentional. Despite the delay, the Patent Office accepted the priority claims under 35 U.S.C. § 120 as indicated by the examiner's initials next to the "Continuing Data" priority claims identified on the bibliographic data sheet, copy attached as Exhibit C.

For acceptance of this Petition, please charge Deposit Account No. 08-2461 any fees necessary, including, but not limited to, fees and/or surcharges due under 37 C.F.R. § 1.17(t).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461.

If needed by the Patent Office, executed forms PTO/SB/81A and PTO/SB/96 are enclosed which provide the undersigned attorney with Power of Attorney by the Patentee.

Should the Patent Office have any questions regarding this Petition or wish to discuss this matter in further detail, please contact the undersigned attorney at the telephone number set forth below.

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Patent No.: 7,160,323 B2
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Docket No.: 792-82 PCT/US/CON III
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Respectfully submitted,

/John S. SOPKO, Reg. # 41,321/
John S. Sopko
Registration No.: 41,321
Attorney for Applicants

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APPL NO	FILING OR 371 (a) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/648,775	08/25/2003	3731	0.00	ENDOV-65322	2	11	1

CONFIRMATION NO. 4035

FILING RECEIPT



0C00000011836235

24201

FULWIDER PATTON LEE & UTECHT, LLP
 HOWARD HUGHES CENTER
 6060 CENTER DRIVE
 TENTH FLOOR
 LOS ANGELES, CA 90045

FEB 09 2004

Date Mailed: 02/06/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Sergei Apolonovich Pulnev, Sankt-Peterburg, RUSSIAN FEDERATION;
 Andrei Vladimirovich Karev, Sankt-Peterburg, RUSSIAN FEDERATION;
 Sergei Vladimirovich Schukin, Sankt-Peterburg, RUSSIAN FEDERATION;

Domestic Priority data as claimed by applicant

This application is a CON of 10/057,261 10/24/2001 PAT 6,541,608

Foreign Applications

RUSSIAN FEDERATION 93058166 12/28/1993

If Required, Foreign Filing License Granted: 02/04/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method for reconstructing body lumens

COPY

Preliminary Class

623

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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COPY



Docket No.: ENDOV-65322
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Inventor: Sergei Appolonovich Pulnev, et al.

Serial No. 10/648,775

Filed: August 25, 2003

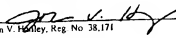
For: METHOD FOR RECONSTRUCTING
BODY LUMENS

Date: April 30, 2004

Examiner: TBD

Group Art Unit: 3731

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on April 30, 2004.


John V. Hanley, Reg. No. 38,171

SUPPLEMENTAL PRELIMINARY AMENDMENT

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The captioned application is a continuation under 37 C.F.R. §1.53(b) of U.S. Serial No. 10/057,261, filed October 24, 2001. Before action, please amend the captioned application as follows:

COPY

AMENDMENTS TO THE SPECIFICATION

Please insert the following amended paragraph after the title.

This application is a continuation of application Serial No. 10/057,261, filed October 24, 2001; which is a continuation of application Serial No. 09/458,141, filed December 9, 1999;
which is a continuation of application Serial No. 08/860,462, filed January 22, 1998.

COPY

REMARKS

By this paper, the specification has been amended.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____

John V. Hanley
Registration No. 38,171

JVH/ksf
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Bib Data Sheet

CONFIRMATION NO. 4035

SERIAL NUMBER 10/648,775	FILING OR 371(c) DATE 08/25/2003 RULE	CLASS 623	GROUP ART UNIT 3738	ATTORNEY DOCKET NO. ENDOV-65322
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APPLICANTS

Sergei Appolonovich Pulnev, Sankt-Peterburg, RUSSIAN FEDERATION;
Andrei Vladimirovich Karev, Sankt-Peterburg, RUSSIAN FEDERATION;
Sergei Vladimirovich Schukin, Sankt-Peterburg, RUSSIAN FEDERATION;

** CONTINUING DATA **

This application is a CON of 10/057,261 10/24/2001 PAT 6,641,808 which is a CON of 09/458,141 12/09/1999 PAT 6,309,415
which is a CON of 08/860,462 01/22/1998 PAT 6,007,574 *2H*

** FOREIGN APPLICATIONS **

RUSSIAN FEDERATION 93058166 12/28/1993 *2H*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED **
02/04/2004

Foreign Priority claimed 35 USC 119 (e-d) conditions met <input checked="" type="checkbox"/> yes <input type="checkbox"/> no Verified and Acknowledged <i>2H</i> Examiner's Signature Initials	STATE OR COUNTRY RUSSIAN FEDERATION	SHEETS DRAWING 2	TOTAL CLAIMS 11	INDEPENDENT CLAIMS 1
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ADDRESS
24201

TITLE

Method for reconstructing body lumens

FILING FEE RECEIVED 1190	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other <input type="checkbox"/> Credit
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PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Patent Number	7,160,323 B2
	Issue Date	January 9, 2007
	First Named Inventor	Pulnev
	Title	Method For Reconstructing Body Lumens
	Attorney Docket Number	792-82 PCT/US/CON III

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR
☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

23,869

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I am the:

☐ Inventor, having ownership of the patent.

OR

☒ Patent owner.
 Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on herewith

SIGNATURE OF Inventor or Patent Owner

Signature

Date

Name

William J. Shaw

Telephone

(508) 850-6384

Title and Company Patent Counsel and Assistant Secretary, Endovascular Technologies, Inc.

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Endovascular Technologies, Inc.Application No./Patent No.: 7,160,323 B2Filed/Issue Date: January 9, 2007Titled: **METHOD FOR RECONSTRUCTING BODY LUMENS**Endovascular Technologies, Inc., a corporation

(Name of Assignor)

(Type of Assignor, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
the patent application/patent identified above, by virtue of either:
- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Inventors To: Endovascular Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 010758, Frame 0566, or for which a copy thereof is attached.

2. From: Endovascular Technologies, Inc. To: Abbott Laboratories, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 024973, Frame 0523, or for which a copy thereof is attached.

3. From: Abbott Laboratories, Inc. To: Boston Scientific Scimed, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 024973, Frame 0536, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

William J. Shaw

Printed or Typed Name

Date
Patent Counsel and

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket: 792-82 PCT/US/CONIII
(U.S. Patent No. 7,160,323)

Continuation of Part B of Statement Under 37 CFR 3.73(b) on form PTO/SB/96

4. From: Boston Scientific Scimed, Inc. To: Endovascular Technologies, Inc.

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